

INITIATIVE 224

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 224 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to the creation of the office of state inspector
2 general; amending RCW 43.17.020; reenacting and amending RCW 43.17.010;
3 adding a new chapter to Title 43 RCW; and creating a new section.

4 BE IT ENACTED BY THE Legisl. OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the purpose of this chapter to create
6 a new oversight and supervisory agency to improve efficiency and
7 accountability, and to promote honesty, ethics, and integrity in
8 societal practices. This agency is meant to fill a void in society by
9 eliminating the need for court litigation over every instance of victim
10 abuse, and by helping to instill conscientious and ethical attitudes,
11 actions, and practices in all sectors of society.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Office," "agency," or "department" means the office of state
15 inspector general.

16 (2) "Lay individual" means anyone not affiliated with governmental,
17 bar, or police agencies, nor business or special interest proponents.

18 (3) "Unwary or helpless individuals" means those people being
19 cheated, abused, bullied, or exploited, or those whose lives or
20 property are in jeopardy of unfair or unjustifiable disruption.

(4) "Fair and ethical practices" means that which does not cheat nor injure others.

(5) "Fairness and common sense" means that with which reasonable minds would concur and agree.

(6) "Reasonable minds" means fair, impartial, and benevolent.

NEW SECTION. **Sec. 3.** The office of state inspector general is created. The office is required to investigate complaints of governmental neglect or abuse, and to facilitate or enforce fair and ethical practices in all other aspects of society.

NEW SECTION. **Sec. 4.** (1) The office shall help monitor and enforce honesty and ethics, and improve oversight, efficiency, and accountability in societal practices.

(2) The agency is vested with such powers and responsibilities as are authorized by law, and the legislature shall from time to time review agency structures and procedures towards improving operational effectiveness.

(3) Any proposed legislative amendments to this chapter shall be submitted for public review and comment, and any court challenge to such amendments shall be filed within thirty days of such notification.

NEW SECTION. **Sec. 5.** (1) It is intended that the office of state inspector general, a civilian post, shall be a people's advocate in guarding against fraud or abuse from any quarter. Recognizing that maintaining the independence and integrity of this agency is critical, it shall remain independent of social, capital, or political interests, and care shall be taken to prevent undue influence over this agency by bar or police organizations, or any other vested interests who themselves might be subject to scrutiny by this agency.

(2) In maintaining its purely objective, impartial, and benevolent mission, under no circumstances shall this agency exercise any police powers over the general public, nor shall it serve as a vanguard for any particular social, capital, or political interests or agendas.

NEW SECTION. **Sec. 6.** (1) The office shall be financed by (a) the state general fund; (b) any federal grants for which it qualifies; and (c) any gifts, grants, or endowments it receives from public or private entities.

(2) The office is authorized to purchase facilities, equipment, and supplies in the conducting of its business, and to enter into contracts with public or private entities for studies or other services.

(3) The office shall undergo a complete annual audit, and shall publish an annual report summarizing its activities.

(4) All files and reports of this agency shall be available for public review. However, (a) portions of files deemed confidential for good and justifiable cause may be withheld from general review, as well as materials deemed classified for military purposes; and (b) government may give freedom of speech/press for purposes of redress of grievance against governmental abuse or misconduct without fear of reprisals from government, but government has no right to give such organisms free reign to harm or injure anyone else at whim. Accordingly, this agency shall not allow information from its files to be used by the power of the commercial media industry to defame, embarrass, or damage anyone by name.

NEW SECTION. **Sec. 7.** (1) An executive committee is established to oversee agency operations, to approve executive appointments within the agency, and to accept reconsideration appeals from agency decisions.

(2) The executive committee is comprised of six members, the majority of whom shall be lay individuals, and the legislature shall determine the manner in which such members are to be selected and installed, and their terms, so as best to assure integrity and continuity of mission.

NEW SECTION. **Sec. 8.** (1) The administrative head of the office shall be the director. Applicants for the position of director of this agency shall undergo civil service examinations to ascertain that they qualify to stand for election at large.

(2) The director shall be limited to one four-year term in office, and shall be paid a salary in accordance with RCW 43.03.040.

(3) Exercising supervisory responsibilities over the agency, the director may employ such assistants and personnel as are deemed necessary for the general administration of the office, after consulting with and obtaining the approval of the executive committee. The director shall appoint a deputy director, an office personnel director, and such other assistant or division directors as may be needed to administer the office. This employment shall be in

1 accordance with state civil service law, chapter 41.06 RCW, except as
2 otherwise provided.

3 (4) The deputy director shall have charge and general supervision
4 of the office in the absence or disability of the director, and in case
5 of vacancy in the office, the deputy director shall continue in charge
6 of the office until a successor is qualified and appointed.

7 (5) The director is responsible for the official acts of all agency
8 personnel under his or her direction. The director may be dismissed in
9 midterm for good cause by: (a) An act of the legislature; (b) a
10 criminal action instituted by the attorney general; or (c) a recall of
11 the electorate by petition.

12 NEW SECTION. **Sec. 9.** The director may enlist the assistance of
13 qualified volunteers from the public. However, those applying as
14 volunteers with this agency, be they law students, police cadets, or
15 any others, shall undergo the same rigorous qualifying examinations as
16 those appointed to full-time staff.

17 NEW SECTION. **Sec. 10.** (1) The office may appoint state-wide
18 committees or councils on such matters as come within the office's
19 responsibilities. Such committees and councils shall have substantial
20 consumer representation, and may be paid travel expenses in accordance
21 with RCW 43.03.050 and 43.03.060, or per diem allowances as
22 circumstances require.

23 (2) The office may also appoint such committees and councils as may
24 be required by federal legislation as a condition to receipt of federal
25 funds for the office.

26 NEW SECTION. **Sec. 11.** (1) Recognizing that a cross section of the
27 populace would likely yield a certain percentage of individuals who are
28 abusive, devious, dishonest, or otherwise unbalanced, dysfunctional, or
29 potentially dangerous in their dealings with the public, all
30 prospective personnel in this agency shall undergo intelligence and
31 psychological testing to ascertain basic sanity, reasoning powers, and
32 moral stability, and to uncover any personal biases or agenda they
33 might harbor.

34 (2) All appointments within this agency shall be with an eye to
35 intelligence, integrity, and dedication, rather than to filling any
36 racist or sexist schemes or quota systems.

1 (3) To maintain a stable and reliable work force, periodic
2 counseling shall be available for personnel who may be experiencing
3 difficulties in their personal lives, and temporary reassignment to
4 less-taxing decision-making duties should be available for those who
5 may be having difficulty coping.

6 (4) The agency shall have procedures for reviewing complaints of
7 abuse or remiss by agency personnel, or any unreasonable or malevolent
8 attitudes. A board of supervisors shall be established to advise
9 personnel, randomly examine files, and otherwise ensure that cases are
10 being handled in a proper, professional, and timely manner.

11 (5) Any neglect, abuse, or betrayal of the public trust shall be
12 grounds for immediate suspension or dismissal per state personnel
13 processes, and/or criminal prosecution under RCW 43.01.125, or any
14 other applicable statutes.

15 (6) Personnel at any level may be subject to recall by an informed
16 electorate. However, pursuant to constitutional provisions against
17 reckless or irresponsible abuse of speech, any reports that appear
18 misleading, malicious, or libelous, or designed to merely harass or
19 intimidate any personnel of this agency, may be viewed as media
20 assault, and this agency may seek equal time and space to rebut
21 unfounded allegations.

22 NEW SECTION. Sec. 12. (1) While efforts shall be made to resolve
23 complaints quickly and amicably, this agency has the authority to
24 gather, evaluate, and decide facts through a hearings process. The
25 agency has the authority to issue subpoenas, convene and conduct
26 hearings, take testimony and exhibits, and issue findings of fact and
27 decision.

28 (2) The office shall determine the time, manner, locale, and format
29 of any particular hearing, and hearings shall be convened at a location
30 convenient to the parties, whenever practical. Municipalities may be
31 requested to provide hearing facilities, if needed.

32 (3) A hearings handbook shall be provided to all parties, and
33 hearing rules shall be simple and concise, easily understood, and
34 applied by anyone, and devoid of legal jargon or obscure legal
35 principles designed to confound the public.

36 (4) The agency may appoint volunteer personnel to assist mute,
37 inarticulate, or nonlingual individuals.

1 (5) The office shall assign an administrative law judge as hearing
2 examiner, to preside over hearings, and issue findings of fact and
3 decision. Examiners need not be lawyers, nor affiliated with the
4 agency.

5 (6) Court reporters may be present to transcribe proceedings, but
6 in all cases hearings shall be audio or video tape recorded to ensure
7 completely accurate transcripts of proceedings.

8 (7) Hearings shall be convened within sixty days of receipt of a
9 complaint, and shall be decided within sixty days thereafter, unless
10 continued for good cause. Any case unresolved within that period may
11 be remanded to an office of special counsel for further proceedings, or
12 court action. The reasons for any such delay shall be specified.

13 (8) All decisions by this agency shall be based strictly on
14 fairness and common sense, as might be reached by any reasonable minds,
15 and shall be decided on a case-by-case basis, rather than on any
16 precedent. All agency decisions shall include a full explanation of
17 the facts and basis of the decision.

18 (9) In those rare instances where a completely fair and just
19 decision is difficult based on the facts and circumstances, the hearing
20 examiner shall state the facts and basis for such, and the case may be
21 remanded to a panel for a compromise decision.

22 (10) Any appeals for reconsideration from a decision shall be
23 directed to an executive committee review board, which may amend a
24 decision in the interests of fairness.

25 (11) The "adversarial" system of justice at play in most court
26 settings appears to allow lawyers to lie, misrepresent facts or
27 factors, or otherwise harm innocent parties whenever convenient to
28 prevail. Such practices shall not be tolerated by this agency. Anyone
29 whomsoever found to be lying, falsifying, or misrepresenting any fact
30 or issue before a hearing by this agency shall be remanded for
31 prosecution by the attorney general for perjury or felonious deception.

32 NEW SECTION. **Sec. 13.** (1) The office has the authority to rectify
33 wrongdoings or deficiencies harmful or disruptive to innocent,
34 helpless, or unwary parties, and may do any of the following to resolve
35 cases satisfactorily: (a) Issue cease and desist warnings; (b) require
36 some form of corrective action or restitution; (c) work with the
37 department of licensing, or other relevant agency, in compelling

1 adherence; and (d) seek fines through courts for any willful disregard
2 of its findings.

3 (2) The office has the authority to levy fines for wrongdoing in
4 amounts up to ten dollars per day against individuals, one hundred
5 dollars per day against businesses or those acting on behalf of
6 businesses, and up to one thousand dollars per day against governmental
7 agencies or bodies.

8 (3) In cases of delinquent or unpaid fines, the office may apply
9 liens against the personal or business property of intentional
10 violators, or liens converted to judgments against the wages or future
11 earnings of wrongdoers.

12 (4) This agency shall work with the courts in securing judgments to
13 enforce decisions, or for injunctions against unfair, fraudulent, or
14 abusive practices. Court actions by this agency shall be at the
15 district court level where applicable. Any court actions by or
16 pertinent to a case involving this agency shall take precedence over
17 other cases, and be decided promptly.

18 (5) While not intended to levy entire damage awards or criminal
19 penalties for negligent or intentionally injurious practices as might
20 be ascertained through civil or criminal proceedings in a court of law,
21 the agency shall support injured parties against obdurate parties in
22 subsequent court proceedings.

23 NEW SECTION. **Sec. 14.** (1) The office is authorized to review
24 complaints of any governmental agency or departmental act, policy, or
25 decision deemed to be unfair, harmful, or unjust. Where life or
26 property are in imminent jeopardy of unfair or unjustifiable
27 disruption, the office has the authority to suspend any departmental
28 order, pending review by this agency; and thereafter to amend any
29 action deemed to be petty, overly burdensome, or cruel.

30 (2) The agency may decline cases for insufficient basis, or as not
31 being within the scope of its responsibilities.

32 (3) This agency shall have prompt and ready access to all public
33 offices, facilities, and records, and public employee cooperation with
34 this agency is mandatory.

35 (4) In cases of alleged misconduct or malfeasance by executive or
36 legislative officials, the office has the authority to submit prima
37 facie evidence to a judicial panel convened for the purpose, and
38 investigations shall proceed upon warrant of probable cause and merit.

(5) While having authority to fine, suspend, or fire public employees in the state for neglect, malfeasance, or abuse, this range shall not extend to federal personnel operating in the state, except to notify appropriate federal agencies of findings. If violations persist after such notification, the agency may institute suit against the appropriate federal agency, either on its own behalf, or with the assistance of the attorney general, to curtail or halt such practices.

NEW SECTION. **Sec. 15.** (1) The concept of checks and balances being crucial to a democracy which serves its people, the independence of judges does not imply that they should be unaccountable for ineptness, abuses, or crimes in office. Judges are not meant to be tyrants beyond reproach, and abuse of judicial office being unacceptable and akin to fraud, judicial performance shall not be exempt from review by this agency.

(2) Americans have a right to demand that justice be mandatory in their courts, and the judiciary being an actual branch of government, any incorrect or unjust act is an act of the United States government itself. Accordingly, this agency may accept complaints of judicial neglect or abuse, and shall be authorized to review and challenge court decisions deemed to be arbitrary or abusive, or contrary to facts and law. Judges shall be required to explain the basis of their decisions, upon inquiries by this agency.

(3) To facilitate review of court cases, this agency may enlist the assistance of volunteers, including shut-ins from the public sector, such as the elderly, infirm, or incarcerated, who are otherwise competent and qualified.

(4) The legislature shall establish processes to reactivate cases reflecting other than fairness and common sense, and the office shall work through the courts to revise, amend, or overturn unjust decisions.

(5) Any certifiable findings of judicial neglect or abuse, such as arbitrary, unjust, or baseless rulings, bias or favoritism constituting obstruction of justice, deliberate evasion or misconstruance of facts leading to decisions reflecting other than fairness and common sense, or chronic bad decisions requiring appeal, shall be reported to appropriate venues with recommendations for reprimand or censure.

(6) Should it subsequently be devised that a sentencing authority will assign defendants, rather than individual judges or prosecutors who may be less expert at corrections, this agency shall assist in

1 examining facts and factors towards best placement, from the standpoint
2 of safety and rehabilitation in those facilities.

3 NEW SECTION. **Sec. 16.** (1) Complaints filed with this agency shall
4 be submitted in writing, and the agency may require a sworn affidavit
5 from complainants attesting to the accuracy and truthfulness of their
6 allegations for hearings and examinations to proceed. The agency may,
7 at its discretion, accept anonymous complaints, when circumstances
8 warrant.

9 (2) It being conceivable that frivolous, deceitful, or malicious
10 complaints might be filed by petty, spiteful, or troublesome
11 individuals merely for the sake of harassment or obstruction, the
12 agency may require doubtful or suspect complainants to post a bond or
13 volunteer to a polygraph examination for hearings to convene.

14 (3) It shall be unlawful for anyone to retaliate against any
15 complainant filing a grievance with this agency.

16 (4) Obviously frivolous complaints shall be prosecutable under
17 harassment statutes.

18 NEW SECTION. **Sec. 17.** (1) Applications for reconsideration from
19 a hearing examiner's decision shall be filed to the review board within
20 fifteen days, and any final decision of this agency may be appealed to
21 state court, or any federal agency having monitoring jurisdiction over
22 state agencies. However, appellants must post any required bond
23 pertinent to the filing of such appeals.

24 (2) Should the federal government subsequently establish a federal
25 judge advocate agency specific to such appeals, appeals shall be
26 directed to that agency.

27 (3) Any appeals to other agencies notwithstanding, any decision or
28 order instituted by this agency shall remain in effect until such time
29 as it might be amended on review.

30 NEW SECTION. **Sec. 18.** (1) To maintain its impartial viewpoint,
31 this agency is not intended to act as a vanguard for any particular
32 social causes. However, it can and should act to protect against
33 widespread fraud or dangerous conditions it finds in the course of its
34 work. To this extent it may, at its own discretion, forward proposed
35 legislation towards preventing abuses.

1 (2) The public shall be notified of any such proposed legislation
2 by this agency, and be afforded opportunity to register views, or
3 challenge such proposed legislation in state court during the review
4 period.

5 (3) To keep tabs on what elected officials are doing in office,
6 should it subsequently be required by law that any governing or
7 legislative bodies must first present proposed legislation that affect
8 the public to this office to ascertain constitutional muster before
9 they are voted on, this agency may publish a commentary on how such
10 proposed bills benefit or fail to benefit the public.

11 (4) Unreasonable or impossible laws being unenforceable in court,
12 the office may launch court challenges to any bad laws it finds in
13 place.

14 NEW SECTION. Sec. 19. (1) Should it subsequently be required by
15 law that all public employees dealing with or affecting the public must
16 carry a performance bond against intentional violations or misconduct
17 that harms the public, this agency may conduct investigations to
18 determine culpability and extent of injury, and shall then assist
19 injured parties in any court action to order restitution from the bond
20 surety.

21 (2) Should it subsequently be required by law that prospective
22 voters or jurors undergo psychological or intelligence testing to
23 ascertain basic sanity, reasoning powers, moral stability, and any
24 biases or personal agendas they might harbor, this agency shall assist
25 in conducting tests, compiling results, and disseminating
26 recommendations.

27 NEW SECTION. Sec. 20. The legislature shall take up consideration
28 of those processes and provisions necessary to bring this agency to
29 operation, and the office shall become fully operational within
30 eighteen months of the effective date of this section.

31 **Sec. 21.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,
32 and 1993 c 280 s 18 are each reenacted and amended to read as follows:

33 There shall be departments of the state government which shall be
34 known as (1) the department of social and health services, (2) the
35 department of ecology, (3) the department of labor and industries, (4)
36 the department of agriculture, (5) the department of fish and wildlife,

1 (6) the department of transportation, (7) the department of licensing,
2 (8) the department of general administration, (9) the department of
3 community, trade, and economic development, (10) the department of
4 veterans affairs, (11) the department of revenue, (12) the department
5 of retirement systems, (13) the department of corrections, ((and)) (14)
6 the department of health, ((and)) (15) the department of financial
7 institutions, which shall be charged with the execution, enforcement,
8 and administration of such laws, and invested with such powers and
9 required to perform such duties, as the legislature may provide, and
10 (16) the office of state inspector general.

11 **Sec. 22.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
12 to read as follows:

13 There shall be a chief executive officer of each department to be
14 known as: (1) The secretary of social and health services, (2) the
15 director of ecology, (3) the director of labor and industries, (4) the
16 director of agriculture, (5) the director of fish and wildlife, (6) the
17 secretary of transportation, (7) the director of licensing, (8) the
18 director of general administration, (9) the director of community,
19 trade, and economic development, (10) the director of veterans affairs,
20 (11) the director of revenue, (12) the director of retirement systems,
21 (13) the secretary of corrections, ((and)) (14) the secretary of
22 health, ((and)) (15) the director of financial institutions, and (16)
23 the director of the office of state inspector general.

24 Such officers, except the secretary of transportation and the
25 director of fish and wildlife, shall be appointed by the governor, with
26 the consent of the senate, and hold office at the pleasure of the
27 governor. The secretary of transportation shall be appointed by the
28 transportation commission as prescribed by RCW 47.01.041. The director
29 of fish and wildlife shall be appointed by the fish and wildlife
30 commission as prescribed by RCW 77.04.055.

31 NEW SECTION. **Sec. 23.** Sections 1 through 19 of this act
32 constitute a new chapter in Title 43 RCW.

33 NEW SECTION. **Sec. 24.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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